APPENDIX

In the event that this Court should desire further answers to the respondent's brief in opposition:

1. With respect to the first paragraph on page 2 of the respondent's brief, attention is invited to the footnote of the opinion of the Court of Appeals (R. 1200).

2. With respect to the statement, in the last paragraph on page 2 of the respondent's brief, that "there has been a full hearing, eight separate times", the fact is, as the record demonstrates, the petitioner has been sent out of court without any hearing, at all. Attention is invited to the quotation, on page 6 of the petition, from *Kent* v. *United States*, 383 U.S. 541, 554.

3. With respect to the statement, on page 3 of the respondent's brief that the holding of the District Court, relating to invalidity (which the District Court admitted was not its own holding, but only its adoption of the Findings of Fact of the respondent (R. 953)), the Court of Appeals distinctly stated (R. 1128):

> "we cannot say with any assurance that Nyyssonen's patents are indeed invalid"

Here, therefore, is a clear case where a large corporation has appropriated for itself an invention that belongs to a humble individual, the patents for which the Court of Appeals is unable to find invalid, and the holdings as to infringement of which are based upon misunderstandings.

There has been a failure of justice, and Rule 60(b) was formulated for the very purpose of correcting such failures.